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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,506	02/13/2004	Lee S. Weinblatt	5264-31C1P	8900
7590 05/16/2011 COHEN, PONTANI, LIEBERMAN & PAVANE Suite 1210 551 Fifth Avenue New York, NY 10176				
EXAMINER SHEPARD, JUSTINE E				
ART UNIT 2424		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/779,506

Applicant(s)

WEINBLATT ET AL.

Examiner

JUSTIN SHEPARD

Art Unit

2424

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/26/11 has been entered.

Response to Arguments

Applicant's arguments filed 4/26/11 have been fully considered but they are not persuasive.

Page 15, paragraph beginning with "As described":

The applicant argues that Holman does not teach "authorizing eligibility for a reward or coupon based on an authorization code that was received as part of a signal containing the coupon-related data." Specifically, the applicant argues that the authorization code is previously stored on the system instead of receiving the code via the television signal. Referring to figure 5 or Holman, the data structure of the coupon that is stored (or message) is shown (column 6, lines 16-20 and 65-67). This coupon is received via a television signal and decoded and stored (column 9, lines 58-63). As this stored coupon data contains Expiration Date (figure 5, part 270), Validity Time Interval (part 272), and Limit code (part 274). Paragraph 40 of the published specification states

that the authorization code could be expiration time or a use limit. Paragraph 18 (lines 20-33 and 40-47) teaches that both limits are stored and are used to authorize the coupons for use by the user. The examiner interprets these sections as meeting the newly claimed limitations.

Claim Rejections - 35 USC § 103

Claims 1, 2, 4-9, 12, 14, 15, 17-19, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holman (US Pat 5,287,181) in view of Chang (US Pub 2003/0110078) in view of Bala (US Pub 2002/0056091).

Referring to claim 1, Holman discloses an interactive method for generating a supplementary, program-related output (paragraph 6, lines 5-12), comprising:

receiving a supplementary, program-related data signal (column 9, lines 33-41) including an authorization code (figure 5, parts 270, 272 or 274), said supplementary, program-related data signal containing program-related data associated with a programming signal, the programming signal intended for broadcast to a user (paragraph 9, lines 58-63);

storing said supplementary, program-related data signal on a storage media (column 10, lines 45-48; column 6, lines 14-20),

wherein retrieval of rewards data corresponding to products or services is enabled, by said stored supplementary, program-related data signal (column 6, lines 39-64), and

wherein the authorization code included in said stored supplementary, program-related data signal provides authorization for a reward related to said products or services (column 18, lines 20-33 and 40-47).

Holman does not disclose a method wherein the storage media is a portable storage media; and

generating, during performance of said programming signal, an audible signal only in response to the received broadcast signal only when the received supplementary, program-related data signal.

In an analogous art, Chang teaches a method wherein the storage media is a portable storage media (paragraph 23).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the portable storage media taught by Chang to the method disclosed by Holman. The motivation would have been to enable the available storage to be expanded by purchasing more memory cards.

Holman and Chang do not disclose a method for generating, during performance of said programming signal, an audible signal only in response to the received broadcast signal only when the received supplementary, program-related data signal.

In an analogous art, Bala teaches a method for generating, during performance of said programming signal, an audible signal only in response to the received broadcast signal only when the received supplementary, program-related data signal (paragraph 43).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the audio signal output taught by Bala to the method disclosed by Holman and Chang. The motivation would have been to enable visually impaired viewers to be alerted to the coupon.

Claims 14, 21, and 22 are rejected on the same grounds as claim 1.

Referring to claim 2, Holman discloses an interactive method of claim 1, wherein said supplementary, program- related data signal includes all data necessary to produce a human-perceptible output (figures 1 and 5).

Claim 15 is rejected on the same grounds as claim 2.

Referring to claim 4, Holman discloses an interactive method of claim 1, further comprising the step of storing validation indicia on said portable storage media, said validation indicia corresponding to a validation of the selected reward (column 16, line 55 to column 17, line 6).

Claim 17 is rejected on the same grounds as claim 4.

Referring to claim 5, Holman discloses an interactive method of claim 4, further comprising displaying said retrieved rewards data on a human-perceptible display (figure 1).

Claim 18 is rejected on the same grounds as claim 5.

Referring to claim 6, Holman discloses an interactive method of claim 5, wherein said human-perceptible output produced from said reward data signal is a discount coupon (column 6, lines 20-38).

Referring to claim 7, Holman discloses an interactive method of claim 4, further comprising the step of displaying at least a portion of said stored supplementary, program-related data on a display device remote from said reproduction equipment (column 8, lines 45-46).

Claim 19 is rejected on the same grounds as claim 7.

Referring to claim 8, Holman discloses an interactive method of claim 7, wherein said stored supplementary, program-related data is compared to said selected reward to determine compatibility and, if compatibility, is determined, said validation indicia is stored on said portable storage media (column 12, lines 22-29).

Referring to claim 9, Holman discloses an interactive method of claim 8, wherein said stored supplementary, program-related data is compared to said selected reward to determine compatibility and, if compatibility is determined, a discount coupon corresponding to said selected reward is printed (column 18, lines 20-33 and 40-47; column 10, line 67 to column 11, line 2).

Referring to claim 12, Holman discloses an interactive method of claim 9, further comprising the step of deleting data from said portable storage media for preventing access to multiple occurrences of said selected reward upon one of the printing of a discount coupon and the storing of the validation indicia (column 16, line 55 to column 17, line 6; column 8, lines 45-46; column 13, lines 52-57; column 8, lines 45-46).

Claims 10, 11, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holman, Chang, and Bala as applied to the claims above, and further in view of Ben-David.

Referring to claim 10, Holman, Chang, and Bala do not disclose an interactive method of claim 7, wherein said remote display device comprises a personal computing device.

In an analogous art, Ben-David teaches an interactive method of claim 7, wherein said remote display device comprises a personal computing device (paragraph 116).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the PDA taught by Ben-David to the method disclosed by Holman, Chang, and Bala. The motivation would have been to enable the user to carry a plurality of coupons without the bulk of carrying paper coupons.

Claim 20 is rejected on the same grounds as claim 10.

Referring to claim 11, Holman, Chang, and Bala do not disclose an interactive method of claim 7, wherein said remote display device comprises a public computing device.

In an analogous art, Ben-David teaches an interactive method of claim 7, wherein said remote display device comprises a public computing device (paragraph 116).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the portable computing unit taught by Ben-David to the method disclosed by Holman, Chang, and Bala. The motivation would have been to enable the user to carry a plurality of coupons without the bulk of carrying paper coupons.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holman, Chang, and Bala as applied to claim 12 above, and further in view of Reams.

Referring to claim 13, Holman, Chang, and Bala do not disclose an interactive method of claim 12, further comprising using said stored supplementary, program-related data signal to access information through the Internet.

In an analogous art, Reams teaches an interactive method of claim 12, further comprising using said stored supplementary, program-related data signal to access information through the Internet (figure 1; paragraph 10).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the internet download coupon taught by Reams to the method disclosed by Holman, Chang, and Bala. The motivation would have been to enable a more

complicated coupon than transmission over a low bandwidth channel such as the VBI would have allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN SHEPARD whose telephone number is (571)272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on (571) 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Justin E Shepard/
Primary Examiner, Art Unit 2424